

Appl. No. 10/717,099  
Atty. Docket No. 7346C  
Amdt. dated September 19, 2005  
Reply to Office Action of June 17, 2005  
Customer No. 27752

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### REMARKS

Claims 1, 7, and 12 have been amended to address the rejection under 35 USC §112. Claims 1-7 and 9-18 remain in this Application and are presented for the Examiner's review in light of the following remarks.

#### Rejections Under 35 U.S.C. §112

The Examiner has rejected Claims 1-7 and 9-18 under 35 U.S.C. §112, ¶2 because (a) "the phrase 'the odor absorbing composition' lacks antecedent basis and (b) "the phrases 'said odor-neutralizing composition is selected' and 'said odor-neutralizing composition comprises'" are inaccurate and indefinite. Applicants have amended claim 1 to remove the issue with a lack of antecedent basis. Applicants have amended each of claim 7 and 12 to clarify that which the Applicants believe to be the invention and to remove any ambiguity regarding the nature of the odor neutralizing composition.

Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. §112, ¶2 Applicants' Claims 1-7 and 9-18.

#### Rejections Under 35 U.S.C. §103

The Examiner has rejected Claims 1-7, 9-13, and 15-18 under 35 U.S.C. §103(a) as being unpatentable over Caggiano (U.S. Patent No. 4,861,632) or Kannenkeril (U.S. Patent No. 4,927,010) in view of Trinh, et al. (U.S. Patent No. 5,429,628). Applicants respectfully request the Examiner to consider the following comments with regard to the cited references.

For a combination of reference to be proper under 35 USC §103(a) there must be some motivation to combine the teachings of the references inherent in the references or in the art. Applicants submit that the only motivation for combining the teachings of *Trinh* with those of either *Caggiano* or *Kannakeril* arises impermissibly from Applicants' claimed invention. *Trinh* relates to odor control compositions for minimizing odor arising from body fluids. The problem resolved by *Trinh* is the reduction of odors arising from body fluids not the reduction of odors arising from a refuse container. The articles of *Trinh* are described as contacting and absorbing bodily fluids. The *Trinh* reference is silent as to the use of the odor control combinations in a container adapted to receive trash. The only motivation for this use of the chemistry comes from the instant application.

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The cited combination is motivated only by the instant application and is therefore improper. The rejection under 35 USC §103(a) should be reconsidered and withdrawn.

Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Caggiano (U.S. Patent No. 4,861,632) or Kannakeril (U.S. Patent No. 4,927,010), in view of The Official Notice and Siklosi, et al. (U.S. Patent No. 6,759,006). Applicants respectfully request the Examiner to consider the following remarks with regards to this rejection:

Claim 14 depends from claim 1. As provided above, neither Caggiano nor Kannakeril teaches or suggests all of the claim limitations of the invention as provided in the amended claims. The addition of The Official Notice and *Siklosi* et al. does not cure the deficiency of either reference. *Siklosi* does not teach or suggest an odor absorbing composition comprising cyclodextrin and a chelant. The cited combination of references fails to teach or suggest each of the claimed limitations of the present invention. The rejection under 35 USC §103(a) is not properly supported and should be withdrawn.

Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. §102(b) to Applicants' Claims 1-7, 9-13, and 15-18.

#### Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

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